



JON S. CORZINE  
Governor

## New Jersey Office of the Attorney General

Division of Consumer Affairs  
New Jersey State Board of Physical Therapy Examiners  
124 Halsey Street, 6<sup>th</sup> Floor, Newark, NJ 07102



ANNE MILGRAM  
Attorney General

DAVID SZUCHMAN  
Director

July 29, 2009

By Certified and U.S. Mail

Roxanne Devlin, P.T.A.  
684 Nichols Road  
Hauppauge, New York 11788

**Mailing Address:**  
P.O. Box 45014  
Newark, NJ 07101  
(973) 504-6455

Re: Continuing education credits  
Modified Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Ms. Devlin:

This letter is to advise you that the New Jersey State Board of Physical Therapy Examiners (the "Board") has had an opportunity to review information concerning the continuing education credits that you were required to obtain in satisfaction of the renewal application for a license to practice as a physical therapist assistant for the 2008 to 2010 biennial renewal period in New Jersey as required by N.J.S.A. 45:9-37.18(a)(10) and N.J.A.C. 13:39A-9.1 et. seq.

On or about April 25, 2008 the Board initiated a random audit of renewal applications for the 2008 to 2010 period, asking licensees to submit proofs with regard to the satisfaction of the thirty (30) continuing education credits. The Board considered the correspondence received on or about May 23, 2008 informing the Board that you have been licensed in New Jersey since 1988 and have not practiced in New Jersey although you have always maintained an active license in New Jersey.

Pursuant to statutory changes set forth in N.J.S.A. 45:9-37.18(a)(10) all licensed physical therapists and physical therapist assistants must complete thirty (30) continuing education credits for renewal of the license to be obtained in the period preceding the biennial renewal of the license. Therefore, you should have obtained thirty (30) continuing education credits between February 1, 2006 and January 31, 2008 as required for the renewal of the 2008-2010 biennial license renewal period.

If you are not actively engaged to practice as a physical therapist assistant in New Jersey you may seek inactive status of your license on the condition that you shall not engage in active practice as a physical therapist assistant until you reinstate your license to active status. At the time that you apply for reinstatement of your license to active status, you shall demonstrate that you have completed at least 30 credits of continuing education per biennial renewal period that you have been on inactive status up to a maximum of sixty (60) credits and thirty (30) of the continuing education credits obtained must be within two years immediately preceding reactivation pursuant to N.J.A.C. 13:39A-5.2(b). A copy of the Board's statutes and regulations can be obtained at <http://www.state.nj.us/lps/ca/medical/pt.htm>.

Upon review of your correspondence, the Board voted to permit you to put your license on inactive status and to issue a civil penalty of \$1000.00 for seeking renewal of the license to engage in the practice as a physical therapist assistant without obtaining the requisite continuing education credits.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated N.J.S.A. 45:9.-37.34 and N.J.A.C. 13:39A-9.1 et. seq. in that you did not obtain the thirty (30) continuing education credits prior to or by January 31, 2008.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Your license to engage in the practice as a physical therapist assistant shall be placed on inactive status. The license may be re-activated at any time but you must comply with the requirements for change of licensure status from inactive to active pursuant to N.J.A.C. 13:39A-5A.2(a) and (b).

2. Cease and desist from failing to obtain the required amount of continuing education credits for the renewal and or reinstatement of a license to practice as a physical therapist assistant within the specified time frame for future biennial licensure renewals.

3. Pay a penalty in the amount of \$1000.00 for renewing the license and failing to obtain the thirty (30) continuing education credits required for renewal of an active license on or before January 31, 2008 shall be stayed until such time as you apply for reinstatement of your license as a physical therapy assistant to be moved from inactive to active status. At the time of reinstatement payment shall be remitted in full and shall be made payable to the Board of Physical Therapy Examiners by certified check or money order and forwarded to the attention of Lisa Affinito, Executive Director, P.O. Box 45014, 124 Halsey Street, Newark, New Jersey 07101. You may request installment payments from the Board. All such requests shall be made in writing to the attention of Lisa Affinito at the address listed above.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF  
PHYSICAL THERAPY EXAMINERS

By: Karen Wilk P.T., DPT 400A00560100  
Karen Wilk, P.T., DPT  
Chair

ACKNOWLEDGMENT: I, Roxanne Devlin, P.T.A., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree that my license to practice as physical therapy assistant has been placed on inactive status and that the penalty imposed in the amount of \$1000.00 has been stayed until I make application for reinstatement of the license from inactive to active. I acknowledge that my license to actively practice as a physical therapist assistant shall be placed on inactive status and that I must satisfy all reinstatement requirements including continuing education requirements as set forth in N.J.A.C. 13: 39A-5A-2 (a) and (b) should I seek reinstatement of the license to practice as a physical therapist assistant from inactive to active status including the payment of the civil penalty which is stayed as explained herein.

Roxanne Devlin P.T.A.  
Roxanne Devlin, P.T.A.

Dated:

c: Carmen A. Rodriguez, Deputy Attorney General